# PREFACE

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The amendments in this publication include the following:

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F – Federal Language
L – Louisiana Language
S – Substantive Changes to Proposed Rule
P – Rule resulting from a Petition for Rulemaking

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Environmental Regulatory Code Editor

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## Subpart 1. Solid Waste Regulations

# Title 33

# ENVIRONMENTAL QUALITY

## Part V. Hazardous Waste and Hazardous Materials

## Subpart 1. Department of Environmental Quality—Hazardous Waste

## Chapter 1. General Provisions and Definitions

### §105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. – D.1.p.vi. …

q. comparable fuels or comparable syngas fuels that meet the requirements of LAC 33:V.4909;

D.1.r. – P.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012).

### 108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

A. – E. …

1. a total of one kg of acute hazardous wastes listed in LAC 33:V.4901.B or E; or

2. a total of 100 kg of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in LAC 33:V.4901.B or E.

[Comment: *Full regulation* means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.]

F. – F.5. …

G. In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of 100 kg or less of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1. …

2. the conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kg of its hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of LAC 33:V.Chapter 11 applicable to generators of greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month as well as the requirements of LAC 33:V.Chapters 3-9, 13-37, 41, 43, 51, and 53, and the applicable notification requirements of LAC 33:V.105.A. The time period of LAC 33:V.1109.E for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1000 kg; and

G.3. – J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:606 (April 2006), LR 36:2554 (November 2010), LR 38:774 (March 2012).

**§109. Definitions**

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

***

*Competent Authorities*—the regulatory authorities of concerned countries having jurisdiction over *transboundary movements* of waste destined for *recovery operations.*

***

*Consignee*—Repealed March 2012.

***

*Country of Export*—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a from which a *transboundary movement* of *hazardous waste* is planned to be initiated, or is initiated.

*Country of Import*—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a to which a *transboundary movement* of *hazardous waste* is planned, or takes place, for the purpose of submitting the waste to *recovery operations* therein.

*Empty Container*—

1.a. any hazardous waste remaining in either of the following is not subject to regulation under LAC 33:V.Chapters 1-38, 41, 43, 49, or to the notification requirements of LAC 33:V.105.A:

i. – ii. …

b. any hazardous waste in either of the following is subject to regulation under LAC 33:V.Chapters 1-38, 41, 43, 49, or to the notification requirements of LAC 33:V.105.A:

i. – ii. …

2.a. a container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acutely hazardous waste listed in LAC 33:V.4901.B or E, is empty if:

a.i.(a). – b. …

c. a container or an inner liner removed from a container that has held an acutely hazardous waste listed in LAC 33:V.4901.B or E, is empty if:

i. – iii. …

***

*Country of Transit*—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a and b other than the exporting or importing country across which a *transboundary movement* of *hazardous waste* is planned or takes place.

***

*Exporter*—the person under the jurisdiction of the *country of export* who has, or will have at the time of the *transboundary movement*, possession or other forms of legal control of the waste and who proposes *transboundary movement* of the *hazardous waste* for the ultimate purpose of submitting it to *recovery operations*. When the United States (U.S.) is the *country of export*, *exporter* is interpreted to mean a person domiciled in the United States.

***

*Exporting Country*—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a from which a *transboundary movement* of waste is planned or has commenced.

***

*Importer*—the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the *country of import*.

*Importing Country*—any designated *OECD* member country listed in LAC 33:V.1113.I.1.a to which a *transboundary movement* of waste is planned or takes place for the purpose of submitting the waste to *recovery operations* therein.

*New Hazardous Waste Management Facility* or *New Facility*—a facility which began operation, or for which construction commenced after November 19, 1980.

*Notifier*—Repealed March 2012.

***

*OECD*—Organization for Economic Cooperation and Development.

***

*Organization for Economic Cooperation and Development (OECD) Area*—all land or marine areas under the national jurisdiction of any *OECD* member country listed in LAC 33:V.1113.I.1.a. When the regulations refer to shipments to or from an *OECD* country, this means *OECD* area.

***

*Recognized Trader*—a person who, with appropriate authorization of *concerned countries*, acts in the role of principal to purchase and subsequently sell waste; this person has legal control of such waste from time of purchase to time of sale; such a person may act to arrange and facilitate *transboundary movements* of waste destined for *recovery operations.*

***

*Recovery Operations*—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses which include the following operations.

| TABLE 1 | |
|---|---|
| Code | Recovery Operations |
| R1 | Use as a fuel (other than in direct incineration) or other means to generate energy |
| R2 | Solvent reclamation/regeneration |
| R3 | Recycling/reclamation of organic substances that are not used as solvents |
| R4 | Recycling/reclamation of metals and metal compounds |
| R5 | Recycling/reclamation of other inorganic materials |
| R6 | Regeneration of acids or bases |
| R7 | Recovery of components used for pollution abatement |

| TABLE 1 | |
|---|---|
| Code | Recovery Operations |
| R8 | Recovery of components used from catalysts |
| R9 | Used oil re-refining or other reuses of previously used oil |
| R10 | Land treatment resulting in benefit to agriculture or ecological improvement |
| R11 | Uses of residual materials obtained from any of the operations numbered R1-R10 |
| R12 | Exchange of wastes for submission to any of the operations numbered R1-R11 |
| R13 | Accumulation of material intended for any operation numbered R1-R12 |

***

Solid Waste—

1.a. – 6. …

| **Table 1** | | | | |
|---|---|---|---|---|
| | **Use Constituting Disposal** | **Energy Recovery/ Fuel** | **Reclamation (Except as Provided in LAC 33:V. 105.D.1.q for Mineral Processing Secondary Materials)** | **Speculative Accumulation** |
| | **(1)** | **(2)** | **(3)** | **(4)** |
| *** [See Prior Text in Spent Materials – Commercial Chemical Products (listed in LAC 33:V.4901.E and F)] | | | | |
| Scrap metal that is not excluded under LAC 33:V.105.D.1.m. | * | * | * | * |

***

*Transboundary Movement*—any movement of waste from an area under the national jurisdiction of one *OECD* member country to an area under the national jurisdiction of another *OECD* member country.

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012).

# Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

## §307. Effect of a Permit

A. – A.4. …

B. A permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in LAC 33:V.323.B.2 and 3, or the permit may be modified upon the request of the permittee as set forth in LAC 33:V.321.C.

C. The issuance of a permit does not authorize any injury to persons or property, or invasion of other private rights, or any infringement of state or local law or regulations.

D. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:435 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 38:775 (March 2012).

# Chapter 11. Generators

# Subchapter A. General

## §1101. Applicability

A. …

B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, the export requirements for spent lead-acid battery management standards in LAC 33:V.4145, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the OECD member countries listed in LAC 33:V.1113.I.1.a for recovery shall comply with Subchapter B of this Chapter.

C. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012).

**§1107. The Manifest System**

A. – D.6. …

7. For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility, following the procedures of LAC 33:V.1516.C.6, the generator shall:

a. sign either:

i. Item 20 of the new manifest, if a new manifest is used for the returned shipment; or

ii. Item 18c of the original manifest, if the original manifest is used for the returned shipment;

b. provide the transporter a copy of the manifest;

c. within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and

d. retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

E. – E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012).

**§1109. Pre-Transport Requirements**

A. – D. …

E. Accumulation Time

1. A generator who generates 1,000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in LAC 33:V.4901.B or E in a calendar month, may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

a. – a.iv.(a). …

b. generators accumulating hazardous waste on-site for 90 days or less without a permit or without having interim status are exempt from all the requirements in LAC 33:V.Chapter 43.Subchapters F and G, except for LAC 33:V.4379 and 4385;

c. the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and tank;

d. …

e. the generator complies with the requirements for owners or operators in LAC 33:V.4319.Chapter 43.Subchapters B and C, and with all applicable requirements under LAC 33:V.Chapter 22.Subchapter A.

2. A generator of 1000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in LAC 33:V.4901.B or E in a calendar month, who accumulates hazardous waste or acute hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permitting requirements as specified in LAC 33:V.Subpart 1 unless he has been granted an extension to the 90-day period. Such an extension may be granted by the administrative authority if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, or uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the administrative authority on a case-by-case basis.

3. …

4. A generator may accumulate as much as 55 gallons of hazardous waste listed in LAC 33:V.4901.B, C, D, F, or LAC 33:V.4903, or one quart of acutely hazardous waste listed in LAC 33:V.4901.E in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Paragraph E.1 or 7 of this Section provided he complies with LAC 33:V.2103, 2105, 2107.A and marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

5. A generator who accumulates either hazardous waste or acutely hazardous waste listed in LAC 33:V.4901.B, Table 1 or LAC 33:V.4901.E in excess of the amounts listed in Subparagraph E.4 of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Paragraph E.1 of this Section or other applicable provisions of this Chapter.

6. – 7.b. …

c. the generator complies with the requirements of Subparagraphs E.1.c and d of this Section; the requirements of LAC 33:V.Chapter 43.Subchapter B and with all applicable requirements of LAC 33:V.Chapter 22.Subchapter A;

E.7.d. – F.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended LR 38:776 (March 2012).

**§1111. Recordkeeping and Reporting**

A. – B.2. …

C. Exception Reporting

1. A generator of 1000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in LAC 33:V.4901.B or E in a calendar month,who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

2. A generator of 1000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in LAC 33:V.4901.B or E in a calendar month, must submit an exception report to the Office of Environmental Services if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The exception report must include:

2.a. – 3.Note. …

4. For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of LAC 33:V.1516.C.5.a.i-vi.), the generator must comply with the requirements of Paragraph C.1 or 3 of this Section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of Paragraph C.1 or 2 of this Section for a shipment forwarding such waste to an alternate facility by a designated facility:

a. the copy of the manifest received by the generator must have the hand written signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

b. the 35/45/60-day time frames begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

D. – E.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2102 (October 2007), LR 38:776 (March 2012).

**§1113. Exports of Hazardous Waste**

A. Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, shall comply with the requirements of this Chapter and with the special requirements of this Section. This Section establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste shall comply with the special requirements of this Section, and a transporter who transports hazardous waste for export shall comply with applicable requirements of LAC 33:V.Chapter 13.

B. …

C. General Requirements. Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of this Section and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:

1. notification in accordance with Subsection D of this Section has been provided;

C.2. – D.1.b.viii. …

2. Notification shall be sent to the Office of Environmental Services, with "Attention: Notification to Export" prominently displayed on the front of the envelope.

[NOTE: This does not relieve the regulated community from the requirement of submitting notification to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, as required by 40 CFR 262.53(b) and Paragraph D.1 of this Section.]

3. – 4. …

5. The administrative authority shall provide a complete notification to the receiving country and any transit countries. A notification is complete when the administrative authority receives a notification which the administrative authority determines satisfies the requirements of Paragraph

D.1 of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Paragraph D.1 of this Section, the administrative authority may find the notification not complete until any such claim is resolved in accordance with LAC 33:I.Chapter 5.

6. Where the receiving country consents to the receipt of the hazardous waste, the administrative authority shall forward an EPA Acknowledgement of Consent to the primary exporter for purposes of Paragraph E.8 of this Section. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority shall notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.

E. – E.6. …

7. In lieu of the requirements of LAC 33:V.1107.A.3, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter shall:

a. renotify the United States Environmental Protection Agency of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with Paragraph D.3 of this Section and obtain an EPA Acknowledgment of Consent prior to delivery; or

7.b. – 9. …

F. Exception Reports. In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an exception report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, if any of the following occurs:

F.1. – H.2. …

I. International Agreements

1. Any person who exports or imports waste considered hazardous under U.S. national procedures, (i.e., meets the definition of *hazardous waste* in LAC 33:V.109, and is subject to either the manifest requirements of this Chapter, the universal waste management standards of LAC 33:V.Chapter 38, or the requirements for spent lead-acid batteries in LAC 33:V.4145) to or from designated member countries of the OECD, as defined in Subparagraph I.1.a, of this Section for purposes of recovery is subject to Subchapter B of this Section. The requirements of this Section and LAC 33:V.1123 do not apply to such exports and imports.

a. For the purposes of this Subchapter, the designated OECD member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Republic of Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

b. For the purposes of this Subchapter, Canada and Mexico are considered OECD member countries only for the purpose of transit.

2. Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this Section and LAC 33:V.1123; however, they are not subject to the requirements of LAC 33:V.1127.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008), LR 38:782 (March 2012).

# Subchapter B. Transboundary Shipments of Hazardous Waste

## §1127. Transboundary Shipments of Hazardous Waste for Recovery within the OECD

A. Applicability

1. The requirements of this Subchapter apply to imports and exports of wastes that are considered hazardous under United States national procedures and are destined for recovery operations in the countries listed in LAC 33:V.1113.I.1.a. A waste is considered hazardous under United States national procedures if the waste:

a. meets the definition of *hazardous waste* as defined in 40 CFR 261.3; and

b. is subject to either the manifesting requirements of LAC 33:V.1107, the universal waste management standards of LAC 33:V.Chapter 38, or the export requirements in the spent lead-acid battery management standards of LAC 33:V.4145.

2. Any person (exporter, importer, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any exporter duties, if applicable, under this Subchapter.

B. General Conditions

1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the green control procedures or a list of wastes subject to the amber control procedures and by United States national procedures as defined in Paragraph A.1 of this Section. The OECD green and amber lists are incorporated by reference in Paragraph I.4 of this Section.

a. Listed Waste Subject to the Green Control Procedures

i. Green wastes that are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to existing controls normally applied to commercial transactions.

ii. Green wastes that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section are subject to the amber control procedures set forth in this Subchapter.

iii. Green wastes that are sufficiently contaminated or mixed with other wastes subject to amber list controls such that the waste or waste mixture is considered hazardous under United States national procedures must be handled in accordance with the amber list controls.

b. Listed Wastes Subject to the Amber Control Procedures

i. Amber wastes that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures set forth in this Subchapter.

ii. Amber wastes that are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures in the United States, even if it is imported to, or exported from, a designated OECD member country listed in LAC 33:V.1113.I.1.a that does not consider the waste to be hazardous. In such an event, the responsibilities of the amber control procedures are as follows:

(a). U.S. Exports. The United States shall issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.

(b). U.S. Imports. The U.S. recovery facility/importer and the United States shall assume the obligations associated with the amber control procedures that normally apply to the exporter and country of export, respectively.

iii. Amber wastes that are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section but are considered hazardous by an OECD member country are subject to the amber control procedures in the OECD member country that considers the waste hazardous. All responsibilities of the U.S. importer/exporter shift to the importer/exporter of the OECD member country that considers the waste hazardous unless the parties make other arrangements through contracts.

[NOTE: Some wastes subject to the amber control procedures are not listed or otherwise identified as hazardous under RCRA. Therefore, they are not subject to the amber control procedures of this Subchapter. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to this Subchapter.]

c. Procedures For Mixtures of Wastes

i. A green waste that is mixed with one or more other green wastes such that the resulting mixture is not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, shall be subject to the green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

[NOTE: The regulated community should note that some OECD member countries may require, by domestic law, that mixtures of different green wastes be subject to the amber control procedures.]

ii. A green waste that is mixed with one or more amber wastes, in any amount, *de minimis* or otherwise, or a mixture of two or more amber wastes, such that the resulting waste mixture is considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, are subject to the amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

[NOTE: The regulated community should note that some OECD member countries may require, by domestic law, that a mixture of a green waste and more than a *de minimis* amount of an amber waste or a mixture of two or more amber wastes be subject to the amber control procedures.]

d. Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:

i. if such wastes are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, these wastes are subject to the amber control procedures; or

ii. if such wastes are not considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, such wastes are subject to the green control procedures.

2. General Conditions Applicable to Transboundary Movements of Hazardous Waste

a. The waste shall be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country.

b. The transboundary movement shall be in compliance with applicable international transport agreements.

[NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).]

2.c. – 3. …

a. Re-export of wastes subject to the amber control procedures from the United States, as the importing country, to a third country listed in LAC 33:V.1113.I.1.a may occur only after an exporter in the United States provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification shall comply with the notice and consent procedures in Subsection C of this Section for all concerned countries, and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries have 30 days to object to the proposed movement.

i. …

ii. The transboundary movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

b. Re-export of wastes subject to the amber control procedures from the original importing country to a third country listed in LAC 33:V.1113.I.1.a may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by an exporter in the original importing country in accordance with Subsection C of this Section. The transboundary movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

c. In the case of re-export of amber wastes to a country other than those listed in LAC 33:V.1113.I.1.a, notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in Subparagraphs B.3.a and b of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

4. Duty to Return or Re-Export Wastes Subject to the Amber Control Procedures. When a transboundary movement of wastes subject to the amber control procedures cannot be completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste shall be returned to the country of export or re-exported to a third country. The requirements of Paragraph B.3 of this Section apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export as appropriate.

a. Return from the United States to the Country of Export. The U.S. importer shall inform EPA at the specified address in Clause C.2.a.i of this Section of the need to return the shipment. EPA will then inform the competent authorities of the countries of export and transit, citing the reason(s) for returning the waste. The U.S. importer shall complete the return within 90 days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned member countries. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.

b. Return From the Country of Import to the United States. The U.S. exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned member countries agree. The U.S. exporter shall submit an exception report to EPA in accordance with Paragraph G.2 of this Section.

5. Duty to Return Wastes Subject to the Amber Control Procedures from the Country of Transit. When a transboundary movement of wastes subject to the amber control Procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the waste shall be returned to the country of export. The following provisions apply as appropriate:

a. Return from the United States (as Country of Transit) to the Country of Export. The U.S. transporter shall inform EPA at the specified address in Clause C.2.a.i of this Section of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter shall complete the return within 90 days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another time frame agreed to by the concerned member countries.

b. Return from the Country of Transit to the United States (as Country of Export). The U.S. exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the competent authority of the country of transit informs EPA of the need to return the waste or such other period of time as the concerned member countries agree. The U.S. exporter shall submit an exception report to EPA in accordance with Paragraph G.2 of this Section.

6. Requirements for Wastes Destined for and Received by R12 and R13 Facilities. The transboundary movement of wastes destined for R12 and R13 operations shall comply with all amber control procedures for notification and consent as set forth in Subsection C of this Section and for the movement document as set forth in Subsection D of this Section. Additional responsibilities of R12/R13 facilities include:

a. Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1-R11 recovery operation takes place or may take place.

b. Within three days of receipt of the wastes by the R12/R13 recovery facility or facilities, the facility(ies) shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facility(ies) shall retain the original of the movement document for three years.

c. As soon as possible, but no later than 30 days after the completion of the R12/R13 recovery operation and no later than one calendar year following the receipt of the waste, the R12 or R13 facility(ies) shall send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N. W. Washington, D.C. 20460, by mail, e-mail without digital signature followed by mail, or fax followed by mail.

d. When a R12/R13 recovery facility delivers wastes for recovery to a R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible, but not later than one calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall promptly transmit the applicable certification to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification pertain.

e. When a R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the initial country of export, amber control procedures apply, including a new notification. If located in a third country other than the initial country of export, amber control procedures apply, with the additional provision that the competent authority of the initial country of export shall also be notified of the transboundary movement.

7. Laboratory Analysis Exemption. The transboundary movement of an amber waste is exempt from the amber control procedures if it is in certain quantities and destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery operations. The quantity of such waste shall be determined by the minimum quantity reasonably needed to perform the analysis in each particular case adequately, but in no case exceed 25 kgs. Waste destined for laboratory analysis must still be appropriately packaged and labeled.

C. Notification and Consent

1. Applicability. Consent shall be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subchapter. Hazardous wastes subject to amber control procedures are subject to the requirements of Paragraph C.2 of this Section and wastes not identified on any list are subject to the requirements of Paragraph C.3 of this Section.

2. Amber Wastes. The export from the United States of hazardous waste as described in Paragraph A.1 of this Section subject to the amber control procedures are prohibited unless the notification and consent requirements of this Subsection are met.

a. …

i. Notification. At least 45 days prior to the commencement of each transboundary movement, the exporter must provide written notification, in English, of the proposed transboundary movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification shall include all of the information identified in Paragraph C.4 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one general notification of intent to export these wastes in multiple shipments during a period of up to one year. When a general notification is used for multiple shipments, each shipment shall be accompanied by a movement document pursuant to Subsection D of this Section.

ii. Tacit Consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to Clause C.2.a.i of this Section within 30 days after the date of issuance of the acknowledgment of receipt of notification by the competent authority of the importing country, the transboundary movement may commence. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents are required for exports after that date.

iii. Written Consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transboundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

b. Transboundary Movements to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. Notification. The exporter shall provide EPA the information identified in Paragraph C.4 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification shall indicate that the recovery facility is preapproved, and the notification may apply to a single specific shipment or to multiple shipments as described in Clause C.2.a.i of this

Section. This information shall be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope. General notifications that cover multiple shipments as described in Clause C.2.a.i of this Section may cover a period of up to three years. When a general notification is used for multiple shipments, each shipment shall be accompanied by a movement document pursuant to Subsection D of this Section.

ii. Exports to preapproved facilities may take place after seven working days from the issuance of an acknowledgement of receipt of the notification by the competent authority of the country of import, unless the exporter has received information indicating that the competent authority of any countries concerned objects to the shipment.

3. Wastes not Covered in the OECD Green and Amber Lists. Wastes destined for recovery operations that have not been assigned to the OECD green and amber lists, incorporated by reference in Paragraph I.4 of this Section but which are considered hazardous under United States national procedures as defined in Paragraph A.1 of this Section, shall be subject to the notification and consent requirements established for the amber control procedures in accordance with Paragraph C.2 of this Section. Wastes destined for recovery operations, that have not been assigned to the OECD green and amber lists incorporated by reference in Paragraph I.4 of this Section, and are not considered hazardous under U.S. national procedures as defined by Paragraph A.1 of this Section shall be subject to the green control procedures.

4. Notification Information. Notifications submitted under this Section shall include:

a. serial number or other accepted identifier of the notification document;

b. exporter name and EPA identification number (if applicable), address, telephone number, fax number, and email address;

c. importing recovery facility name, address, telephone number, fax number, email address, and technologies employed;

d. importer name (if not the owner or operator of the recovery facility), address, telephone number, fax number, and email address; whether the importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

e. intended transporters and/or their agents; address, telephone number, fax number, and email address;

f. country of export and relevant competent authority and point of departure;

g. countries of transit and relevant competent authorities and points of entry and departure;

h. country of import and relevant competent authority and point of entry;

i. statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;

j. date foreseen for commencement of transboundary movement;

k. designation of waste type(s) from the appropriate OECD list incorporated by reference in Paragraph I.4 of this Section, descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type;

l. means of transport envisaged;

m. specification of the *recovery operation(s)* as defined in LAC 33:V.109; and

n. certification/declaration signed by the exporter that states:

"I certify that the above information is complete and correct to the best of my knowledge, legally enforceable written contractual obligations have been entered into, and any applicable insurance or other financial guarantees shall cover the transboundary movement."

Name:_____

Signature:_____

Date:_____

[NOTE: The United States does not currently require financial assurance for these waste shipments. However, United States exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.]

5. Certificate of Recovery. As soon as possible, but no later than 30 days after the completion of recovery and no later than one calendar year following receipt of the waste, the U.S. recovery facility shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by mail, email (without a digital signature) or fax followed by mail. The certificate of recovery shall include a signed, written, and dated statement that affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under Subsection E of this Section.

D. Tracking Document

1. All United States parties subject to the contract provisions of Subsection E of this Section shall ensure that a movement document meeting the conditions of Paragraph D.2 of this Section accompanies each transboundary movement of wastes subject to the amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is

stored and/or sorted by the importer prior to shipment to the final recovery facility, except as provided in Subparagraphs D.1.a and b of this Section.

a. For shipments of hazardous waste within the United States solely by water (bulk shipments only) the generator shall forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures in LAC 33:V.1107.D.3).

b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall forward the movement document with the manifest (in accordance with the routing procedures for the manifest in LAC 33:V.1107.D.4) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The movement document shall include all information required under Subsection C of this Section for notification and the following:

a. date movement commenced;

b. name (if not exporter), address, telephone number, fax number and email of primary exporter;

c. …

d. identification (license, registered name, or registration number) of means of transport, including types of packaging envisaged;

e. …

f. certification/declaration signed by the exporter that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement, and that:

1. all necessary consents have been received; or

2. the shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or

3. the shipment is directed to a recovery facility preauthorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

[Delete sentences that are not applicable]

Name: _____

Signature: _____

Date: _____

and

g. appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).

3. Exporters also shall comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and importers must comply with the import requirements of LAC 33:V.1123.

4. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility shall sign the movement document (e.g., transporter, importer, and owner or operator of the recovery facility).

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility shall send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries. If the concerned U.S. recovery facility is a R12 and R13 *recovery facility* as defined under LAC 33:V.109.*Recovery Operations*, Table 1, the facility shall retain the original of the movement document for three years.

E. Contracts

1. Transboundary movements of hazardous wastes subject to the amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.

2. – 3. …

a. the person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and

b. the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of waste, and shall provide the notification for re-export.

4. Contracts must specify that the importer will provide the notification required in Paragraph B.3 of this

Section prior to re-export of controlled wastes to a third country.

5. Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.

[NOTE: Financial guarantees so required are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, transporters or importers may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.]

6. …

7. Upon request by EPA, United States exporters, importers, or recovery facilities shall submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

[NOTE: Although the United States does not require routine submission of contracts at this time, OECD Decision C(92)39/FINAL allows member countries to impose such requirements. When other OECD member countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD member countries may deny consent for the proposed movement.]

F. – F.1. …

2. A recognized trader acting as an exporter or importer for transboundary shipments of waste must comply with all the requirements of this Subchapter associated with being an exporter or importer.

G. Reporting and Recordkeeping

1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., exporters, recognized traders) who meet the definition of *primary exporter* in LAC 33:V.109 or who initiate the movement document under Subsection D of this Section shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, no later than March 1 of each year, summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter or the person who initiates the movement document under Subsection D of this Section is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report, provided the information required in Subparagraph 1.a of this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section.) Such reports shall include the following:

a. the EPA identification number, name, and mailing and site address of the exporter filing the report;

b. – c. …

d. by final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.Chapter 49), designation of waste type(s) from OECD waste lists and applicable waste code from the OECD lists incorporated by reference in Paragraph I.4 of this Section, the DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subchapter, and the number of shipments pursuant to each notification;

e. – e.ii. …

f. a certification signed by the person acting as primary exporter or initiator of the movement document under Subsection D of this Section that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

2. Exception Reports. Any person who meets the definition of *primary exporter* in LAC 33:V.109 or who initiates the movement document under Subsection D of this Section must file an exception report, in lieu of the requirements of LAC 33:V.1111.C (if applicable), with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20560, if any of the following occurs:

a. he has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

b. within 90 days from the date the waste was accepted by the initial transporter, the exporter has not received written confirmation from the recovery facility that the hazardous waste was received; or

2.c. – 3. …

a. Persons who meet the definition of *primary exporter* in LAC 33:V.109 or who initiate the movement document under this Section shall keep the following records:

i. – ii. …

iii. a copy of any exception reports and a copy of each confirmation of delivery (i.e., movement documentation) sent by the recovery facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

iv. a copy of each certificate of recovery sent by the recovery facility to the exporter for at least three years from the date that the recovery facility completed processing the waste shipment.

b. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

H. – I.1.a. …

b. is subject to either the Federal RCRA manifesting requirements of this Chapter, the universal waste management standards of LAC 33:V.Chapter 38, or the export requirements in the spent lead-acid battery management standards of LAC 33:V.4145.

2. If a waste is hazardous under Paragraph I.1 of this Section, it is subject to the amber control procedures, regardless of whether it appears in Appendix 4 of the OECD Decision, as defined in Subsection B of this Section.

3. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.

4. The OECD waste lists, as set forth in Annex B ("Green List") and Annex C ("Amber List") (collectively "OECD waste lists") of the 2009 "Guidance Manual for the Implementation of Council Decision C (2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is incorporated as it exists on the date of the approval and a notice of any change in these materials will be published in the *Federal Register*. The materials are available for inspection at: the U.S. Environmental Protection Agency, Docket Center Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 (Docket # EPA-HQ-RCRA-2005-0018) or at the National Archives and Records Administration (NARA), and may be obtained from the Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France. For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal-register/cfr/ibr-locations.html. To contact the EPA Docket Center Public Reading Room, call (202) 566-1744. To contact the OECD, call +33 (0) 1 45 24 81 67.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012).

# Chapter 13. Transporters

## §1301. Applicability

A. – E. …

F. A transporter of hazardous waste subject to the federal manifesting requirements of LAC 33:V.Chapter 11 or subject to the waste management standards of LAC 33:V.Chapter 38 that is being imported from or exported to any of the countries listed in LAC 33:V.1113.I.1.a for purposes of recovery is subject to this Chapter and to all other relevant requirements of LAC 33:V.Chapter 11.Subchapter B including, but not limited to, LAC 33:V.1127.D for movement documents.

G. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012).

# Chapter 15. Treatment, Storage, and Disposal Facilities

## §1513. Contingency Plan and Emergency Procedures

A. – B.1. …

2. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with these requirements. The owner or operator may develop one contingency plan that meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

B.3. – F.9.g. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2104 (October 2007), LR 34:993 (June 2008), LR 35:1879 (September 2009), LR 38:777 (March 2012).

**§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities**

A. – B.3. …

4. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility shall provide a copy of the movement document bearing all required signatures to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the movement document shall be maintained at the facility for at least three years from the date of signature.

5. If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming EPA's consent to the import of hazardous waste to the following address within 30 days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-0001. In addition, the facility must, within 30 days:

B.5.a. – C.5.a.v. ...

vi. Sign the generator's/offeror's certification to certify that the waste has been properly packaged, marked, and labeled, and is in condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

5.b. – 6.a. …

i. Write the facility's EPA ID number in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5, unless the mailing address is different, then write the facility's site address in the designated space for Item 5 of the new manifest.

ii. – vi. …

b. For full load rejections made while the transporter remains at the facility, the facility may return the rejected shipment to the generator with the original manifest by completing Items 18a and 18b of the original manifest and supplying the generator's information in the Alternate Facility block. The facility must retain a copy of this manifest for its records and give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with Clauses C.6.a.i-vi and Subparagraph C.6.c of this Section.

c. For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in LAC 33:V.1111.C.

C.7. – D.7.Comment. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012).

**§1531. Required Notices**

A. …

B. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B shall provide a copy of the movement document bearing all required signatures to the foreign exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed movement document shall be maintained at the facility for at least three years. In addition, such owner or operator shall, as soon as possible, but no later than 30 days after the completion of recovery and no later than one calendar year following the receipt of the hazardous waste, send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to EPA's Office of Enforcement and Compliance Assurance at the above address by mail, email (without a digital signature), or fax followed by mail.

C. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2105 (October 2007), LR 38:789 (March 2012).

# Chapter 22. Prohibitions on Land Disposal

# Subchapter B. Hazardous Waste Injection Restrictions

## §2299. Appendix-Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

**Table 2. Treatment Standards for Hazardous Wastes**

| Waste Code | Waste Description and Treatment/Regulatory Subcategory[1] | Regulated Hazardous Constituent | | Wastewaters | Non-Wastewaters |
|---|---|---|---|---|---|
| | | Common Name | CAS[2] Number | Concentration in mg/L[3]; or Technology Code[4] | Concentration in mg/kg[5] unless noted as "mg/L TCLP" or Technology Code[4] |
| | | *** | | | |
| | | [See Prior Text in D001[9] – K151] | | | |
| K156 | Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.[10] (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl *n*-butylcarbamate.) | Acetonitrile | 75-05-8 | 5.6 | 1.8 |
| | | Acetophenone | 98-86-2 | 0.010 | 9.7 |
| | | Aniline | 62-53-3 | 0.81 | 14 |
| | | Benomyl | 17804-35-2 | 0.056 | 1.4 |
| | | Benzene | 71-43-2 | 0.14 | 10 |
| | | Carbaryl | 63-25-2 | 0.006 | 0.14 |
| | | Carbenzadim | 10605-21-7 | 0.056 | 1.4 |
| | | Carbofuran | 1563-66-2 | 0.006 | 0.14 |
| | | Carbosulfan | 55285-14-8 | 0.028 | 1.4 |
| | | Chlorobenzene | 108-90-7 | 0.057 | 6.0 |
| | | Chloroform | 67-66-3 | 0.046 | 6.0 |
| | | o-Dichlorobenzene | 95-50-1 | 0.088 | 6.0 |
| | | Methomyl | 16752-77-5 | 0.028 | 0.14 |
| | | Methylene chloride | 75-09-2 | 0.089 | 30 |
| | | Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| | | Naphthalene | 91-20-3 | 0.059 | 5.6 |
| | | Phenol | 108-95-2 | 0.039 | 6.2 |
| | | Pyridine | 110-86-1 | 0.014 | 16 |
| | | Toluene | 108-88-3 | 0.080 | 10 |
| | | Triethylamine | 121-44-8 | 0.081 | 1.5 |
| K157 | Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl *n*-butylcarbamate.) | Carbon tetrachloride | 56-23-5 | 0.057 | 6.0 |
| | | Chloroform | 67-66-3 | 0.046 | 6.0 |
| | | Chloromethane | 74-87-3 | 0.19 | 30 |
| | | Methomyl | 16752-77-5 | 0.028 | 0.14 |
| | | Methylene chloride | 75-09-2 | 0.089 | 30 |
| | | Methyl ethyl ketone | 78-93-3 | 0.28 | 36 |
| | | o-Phenylenediamine | 95-54-5 | 0.056 | 5.6 |

| Table 2. Treatment Standards for Hazardous Wastes | | | | | |
|---|---|---|---|---|---|
| Waste Code | Waste Description and Treatment/Regulatory Subcategory[1] | Regulated Hazardous Constituent | | Wastewaters | Non-Wastewaters |
| | | Common Name | CAS[2] Number | Concentration in mg/L[3]; or Technology Code[4] | Concentration in mg/kg[5] unless noted as "mg/L TCLP" or Technology Code[4] |
| | | Pyridine | 110-86-1 | 0.014 | 16 |
| | | Triethylamine | 121-44-8 | 0.081 | 1.5 |
| K158 | Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl *n*-butylcarbamate.) | Benomyl | 17804-35-2 | 0.056 | 1.4 |
| | | Benzene | 71-43-2 | 0.14 | 10 |
| | | Carbenzadim | 10605-21-7 | 0.056 | 1.4 |
| | | Carbofuran | 1563-66-2 | 0.006 | 0.14 |
| | | Carbosulfan | 55285-14-8 | 0.028 | 1.4 |
| | | Chloroform | 67-66-3 | 0.046 | 6.0 |
| | | Methylene chloride | 75-09-2 | 0.089 | 30 |
| | | Phenol | 108-95-2 | 0.039 | 6.2 |
| *** | | | | | |
| [See Prior Text K159 – U411] | | | | | |

Footnote 1. – Footnote 12. …

[NOTE: NA means Not Applicable.]

Table 3. – 12. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:828 (May 2006), LR 32:1843 (October 2006), LR 34:625 (April 2008), LR 34:1014 (June 2008), LR 38:777 (March 2012).

# Chapter 25. Landfills

## §2519. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

A. – A.1. …

2. the inside containers must be overpacked in an open head LDPS specification metal shipping container LAC 33:V.Subpart 2.Chapter 101 of no more than 416-liter (110-gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with LAC 33:V.2515.E, to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material;

3. – 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 38:778 (March 2012).

# Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

## §2603. Corrective Action Management Units (CAMUs)

A. – A.3.a. …

b. The requirements in LAC 33:V.2515.B for placement of containers holding free liquids in landfills apply to placement in a CAMU except when placement facilitates the remedy selected for the waste.

c. …

d. The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with LAC 33:V.2515.C. Sorbents used to treat free liquids in CAMUs must meet the requirements of LAC 33:V.2515.E.

A.4. – E.4.d.v. …

vi. Alternatives to TCLP. For metal-bearing wastes for which metals removal treatment is not used, the administrative authority may specify a leaching test other than the TCLP (Method 1311, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110.C.3.e) to measure treatment effectiveness, provided the administrative authority determines that an alternative leach testing protocol is appropriate for use and that the alternative more accurately reflects conditions at the site that affect leaching.

E.4.e. – K. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1192 (June 2002), amended LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:627 (April 2008), LR 34:1014 (June 2008), LR 38:779 (March 2012).

# Chapter 41. Recyclable Materials

## §4105. Requirements for Recyclable Material

A. …

1. The following recyclable materials are not subject to regulation under LAC 33:V.Subpart 1, and are not subject to the notification requirements of LAC 33:V.105 or Section 3010 of RCRA:

a. – d.iii. …

2. The following recyclable materials are not subject to the requirements of this Section but are regulated under LAC 33:V.4139, 4141, 4143, and 4145, and all applicable provisions as provided in LAC 33:V.Chapters 1, 3, 5, 7, 22, 27, 31, 42, and 43:

a. …

b. hazardous wastes burned, as defined in LAC 33:V.3001.A, in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapter 31 or 43.Subchapter N;

A.2.c. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012).

## §4139. Recyclable Materials Used in a Manner Constituting Disposal

A. – B.1. …

2. such products meet the applicable treatment standards in LAC 33:V.Chapter 22.Subchapter A (or applicable prohibition levels in LAC 33:V.2209 or 2215, where no treatment standards have been established), or Section 3004(d) of RCRA for each recyclable material (i.e., hazardous waste constituent) that they contain and the recycler complies with LAC 33:V.2247.E.

C. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:367 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996), repromulgated LR 22:100 (February 1996), amended LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1684 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:610 (April 2006), LR 38:779 (March 2012).

## §4145. Spent Lead-Acid Batteries Being Reclaimed

A. …

| If Your Batteries: | And If You: | Then You: | And You: |
|---|---|---|---|
| 1. – 5. … | | | |
| 6. will be reclaimed through regeneration or any other means. | export these batteries for reclamation in a foreign country. | are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at section 3010 of RCRA. You are also exempt from LAC 33:V.Chapter 11, except for LAC 33:V.1103, and except for the applicable requirements in either: (a) LAC 33:V.1125; or (b) LAC 33:V.1113.D "Notification of Intent to Export", LAC 33:V.1113.G.1.a-d, f and G.2 "Annual Reports", and LAC 33:V.1113.H "Recordkeeping". | are subject to LAC 33:V.Chapters 1, 31, 39, 41, and 49 as applicable and LAC 33:V.1103, and either must comply with LAC 33:V.1125.A (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a), or shall:<br>(a) Comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.2, and H.<br>b) Export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113.A- I.2; and<br>(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export. |
| 7. Will be reclaimed through regeneration or any other means. | Transport these batteries in the U. S. to export them for reclamation in a foreign country. | are exempt from LAC 33:V.Chapters 3, 5, 7, 9, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, 41, and 43, and the notification requirements at section 3010 of RCRA. | must comply with applicable requirements in LAC 33:V.1125 (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a, or must comply with the following:<br>(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent;<br>(b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and<br>(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment. |

B. – B.2.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 32:830 (May 2006), LR 38:790 (March 2012).

# Chapter 43. Interim Status

## Subchapter M. Landfills

### §4511. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

A. – A.1. …

2. The inside containers must be overpacked in an open head LDPS specification metal shipping container (LAC 33:V.Subpart 2.Chapter 101) of no more than 416-liter (110-gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with LAC 33:V.2515.E, to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.

3. – 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 38:779 (March 2012).

# Chapter 49. Lists of Hazardous Wastes

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

### §4901. Category I Hazardous Wastes

A. …

* * *

1. Each hazardous waste listed in this Chapter is assigned an EPA Hazardous Waste number, which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 or 105.A of the Act and certain recordkeeping and reporting requirements under LAC 33:V.Chapters 3-38, 41, and 43.

2. The following hazardous wastes listed in LAC 33:V.4901.B are subject to the exclusion limits for acutely hazardous wastes established in LAC 33:V.108: EPA Hazardous Wastes Numbers F020, F021, F022, F023, F026, and F027.

B. – F.Comment. …

| Table 4. Toxic Wastes (Alphabetical Order by Substance) | | |
|---|---|---|
| **EPA Hazardous Waste Number** | **Chemical Abstract Number** | **Hazardous Waste (Substance)** |
| [See Prior Text in U394 – A2213 – U249 – Zinc phosphide $Zn_3 P_2$, when present at concentrations of 10 percent or less] | | |
| [1]CAS Number given for parent compound only. | | |

| Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number) | | |
|---|---|---|
| **EPA Hazardous Waste Number** | **Chemical Abstract Number** | **Hazardous Waste (Substance)** |
| *** | | |
| [See Prior Text in U001 – Acetaldehyde (I) – U238 – Ethyl Carbamate (urethane)] | | |
| U239 | 1330-20-7 | Benzene, dimethyl-(I) |
| *** | | |
| [See Prior Text in U239 – Xylene(I) – See F027 – 2,4,6-Trichlorophenol] | | |
| [1]CAS Number given for parent compound only. | | |

G. …

| Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste |
|---|
| [See Prior Text in EPA Hazardous Waste Number F001 – EPA Hazardous Waste Number K061] |
| **EPA Hazardous Waste Number K062** |
| Hexavalent chromium; lead |
| **EPA Hazardous Waste Number K069** |
| Hexavalent chromium; lead; cadmium |
| [See Prior Text in EPA Hazardous Waste Number K071 – EPA Hazardous Waste Number K087] |
| EPA Hazardous Waste Number K088 |
| Cyanide (complexes) |
| **EPA Hazardous Waste Number K093** |
| Phthalic anhydride; maleic anhydride |
| [See Prior Text in EPA Hazardous Waste Number K094 – EPA Hazardous Waste Number K181] |

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:635 (April 2008), LR 34:1020 (June 2008), LR 34:2392 (November 2008), LR 36:2555 (November 2010), LR 38:780 (March 2012).

## §4903. Category II Hazardous Wastes

A. – D.7. …

8. It is a forbidden explosive as defined in CFR 173.54, or is a Division 1.1, 1.2, or 1.3 explosive as defined in 49 CFR 173.50 and 173.53.

E. – F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 22:829 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:325 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:644 (April 2008), LR 34:1020 (June 2008), LR 38:780 (March 2012).

## §4909. Exclusion of Comparable Fuel and Syngas Fuel

A. Specifications for Excluded Fuels. Wastes that meet the following comparable/syngas fuel requirements are not solid wastes.

B. – C.5. …

| Table 7: Detection and Detection Limit Values for Comparable Fuel Specification | | | |
|---|---|---|---|
| **Chemical Name** | **CAS Number** | **Concentration Limit (mg/kg at 10,000 Btu/lb)** | **Minimum Required Detection Limit (mg/kg)** |
| Total Nitrogen as N | NA | 4900 | |
| Total Halogens as Cl | NA | 540 | |
| Total Organic Halogens as Cl | NA | 25 or individual halogenated organics listed below | |
| Polychlorinated biphenyls, total [Arocolors, total] | 1336-36-3 | Nondetect | 1.4 |
| Cyanide, total | 57-12-5 | Nondetect | 1.0 |
| **Metals** | | | |
| Antimony, total | 7440-36-0 | 12 | |
| Arsenic, total | 7440-38-2 | 0.23 | |
| Barium, total | 7440-39-3 | 23 | |
| Beryllium, total | 7440-41-7 | 1.2 | |
| Cadmium, total | 7440-43-9 | 1.2 | |
| Chromium, total | 7440-47-3 | 2.3 | |
| Cobalt | 7440-48-4 | 4.6 | |
| Lead, total | 7439-92-1 | 31 | |
| Manganese | 7439-96-5 | 1.2 | |
| Mercury, total | 7439-97-6 | 0.25 | |
| Nickel, total | 7440-02-0 | 58 | |
| Selenium, total | 7782-49-2 | 0.23 | |
| Silver, total | 7440-22-4 | 2.3 | |
| Thallium, total | 7440-28-0 | 23 | |
| **Hydrocarbons** | | | |
| Benzo[a]anthracene | 56-55-3 | 2400 | |
| Benzene | 71-43-2 | 4100 | |
| Benzo[b]fluoranthene | 205-99-2 | 2400 | |
| Benzo[k]fluoranthene | 207-08-9 | 2400 | |
| Benzo[a]pyrene | 50-32-8 | 2400 | |
| Chrysene | 218-01-9 | 2400 | |
| Dibenzo[a,h]anthracene | 53-70-3 | 2400 | |
| 7,12-Dimethylbenz[a]anthracene | 57-97-6 | 2400 | |
| Fluoranthene | 206-44-0 | 2400 | |
| Indeno(1,2,3-cd)pyrene | 193-39-5 | 2400 | |
| 3-Methylcholanthrene | 56-49-5 | 2400 | |
| Naphthalene | 91-20-3 | 3200 | |
| Toluene | 108-88-3 | 36000 | |
| **Oxygenates** | | | |
| Acetophenone | 98-86-2 | 2400 | |
| Acrolein | 107-02-8 | 39 | |
| Allyl alcohol | 107-18-6 | 30 | |
| Bis(2-ethylhexyl)phthalate [Di-2- ethylhexyl phthalate] | 117-81-7 | 2400 | |
| Butyl benzyl phthalate | 85-68-7 | 2400 | |
| o-Cresol [2-Methyl phenol] | 95-48-7 | 2400 | |
| m-Cresol [3-Methyl phenol] | 108-39-4 | 2400 | |
| p-Cresol [4-Methyl phenol] | 106-44-5 | 2400 | |
| Di-n-butyl phthalate | 84-74-2 | 2400 | |
| Diethyl phthalate | 84-66-2 | 2400 | |
| 2,4-Dimethylphenol | 105-67-9 | 2400 | |
| Dimethyl phthalate | 131-11-3 | 2400 | |
| Di-n-octyl phthalate | 117-84-0 | 2400 | |
| Endothall | 145-73-3 | 100 | |
| Ethyl methacrylate | 97-63-2 | 39 | |
| 2-Ethoxyethanol [Ethylene glycol monoethyl ether] | 110-80-5 | 100 | |
| Isobutyl alcohol | 78-83-1 | 39 | |
| Isosafrole | 120-58-1 | 2400 | |
| Methyl ethyl ketone [2-Butanone] | 78-93-3 | 39 | |
| Methyl methacrylate | 80-62-6 | 39 | |
| 1,4-Naphthoquinone | 130-15-4 | 2400 | |
| Phenol | 108-95-2 | 2400 | |
| Propargyl alcohol [2-Propyn-l-ol] | 107-19-7 | 30 | |
| Safrole | 94-59-7 | 2400 | |
| **Sulfonated Organics** | | | |
| Carbon disulfide | 75-15-0 | Nondetect | 39 |

| Table 7: Detection and Detection Limit Values for Comparable Fuel Specification | | | |
|---|---|---|---|
| **Chemical Name** | **CAS Number** | **Concentration Limit (mg/kg at 10,000 Btu/lb)** | **Minimum Required Detection Limit (mg/kg)** |
| Disulfoton | 298-04-4 | Nondetect | 2400 |
| Ethyl methanesulfonate | 62-50-0 | Nondetect | 2400 |
| Methyl methanesulfonate | 66-27-3 | Nondetect | 2400 |
| Phorate | 298-02-2 | Nondetect | 2400 |
| 1,3-Propane sultone | 1120-71-4 | Nondetect | 100 |
| Tetraethyldithiopyrophosphate [Sulfotepp] | 3689-24-5 | Nondetect | 2400 |
| Thiophenol [Benzenethiol] | 108-98-5 | Nondetect | 30 |
| O,O,O-Triethyl phosphorothioate | 126-68-1 | Nondetect | 2400 |
| **Nitrogenated Organics** | | | |
| Acetonitrile [Methyl cyanide] | 75-05-8 | Nondetect | 39 |
| 2-Acetylaminofluorene [2-AAF] | 53-96-3 | Nondetect | 2400 |
| Acrylonitrile | 107-13-1 | Nondetect | 39 |
| 4-Aminobiphenyl | 92-67-1 | Nondetect | 2400 |
| 4-Aminopyridine | 504-24-5 | Nondetect | 100 |
| Aniline | 62-53-3 | Nondetect | 2400 |
| Benzidine | 92-87-5 | Nondetect | 2400 |
| Dibenz[a,j]acridine | 224-42-0 | Nondetect | 2400 |
| O,O-Diethyl O-pyrazinyl phosphoro-thioate [Thionazin] | 297-97-2 | Nondetect | 2400 |
| Dimethoate | 60-51-5 | Nondetect | 2400 |
| p-(Dimethylamino)azobenzene [4-Dimethylaminoazobenzene] | 60-11-7 | Nondetect | 2400 |
| 3,3'-Dimethylbenzidine | 119-93-7 | Nondetect | 2400 |
| α,α-Dimethylphenethylamine | 122-09-8 | Nondetect | 2400 |
| 3,3'-Dimethoxybenzidine | 119-90-4 | Nondetect | 100 |
| 1,3-Dinitrobenzene [m-Dinitrobenzene] | 99-65-0 | Nondetect | 2400 |
| 4,6-Dinitro-o-cresol | 534-52-1 | Nondetect | 2400 |
| 2,4-Dinitrophenol | 51-28-5 | Nondetect | 2400 |
| 2,4-Dinitrotoluene | 121-14-2 | Nondetect | 2400 |
| 2,6-Dinitrotoluene | 606-20-2 | Nondetect | 2400 |
| Dinoseb [2-sec-Butyl-4,6-dinitrophenol] | 88-85-7 | Nondetect | 2400 |
| Diphenylamine | 122-39-4 | Nondetect | 2400 |
| Ethyl carbamate [Urethane] | 51-79-6 | Nondetect | 100 |
| Ethylenethiourea (2-Imidazolidinethione) | 96-45-7 | Nondetect | 110 |
| Famphur | 52-85-7 | Nondetect | 2400 |
| Methacrylonitrile | 126-98-7 | Nondetect | 39 |
| Methapyrilene | 91-80-5 | Nondetect | 2400 |
| Methomyl | 16752-77-5 | Nondetect | 57 |
| 2-Methyllactonitrile [Acetone cyanohydrin] | 75-86-5 | Nondetect | 100 |
| Methyl parathion | 298-00-0 | Nondetect | 2400 |
| MNNG (N-Metyl-N-nitroso-N'-nitroguanidine) | 70-25-7 | Nondetect | 110 |
| 1-Naphthylamine, [α-Naphthylamine] | 134-32-7 | Nondetect | 2400 |
| 2-Naphthylamine, [β-Naphthylamine] | 91-59-8 | Nondetect | 2400 |
| Nicotine | 54-11-5 | Nondetect | 100 |
| 4-Nitroaniline, [p-Nitroaniline] | 100-01-6 | Nondetect | 2400 |
| Nitrobenzene | 98-95-3 | Nondetect | 2400 |
| p-Nitrophenol, [p-Nitrophenol] | 100-02-7 | Nondetect | 2400 |
| 5-Nitro-o-toluidine | 99-55-8 | Nondetect | 2400 |
| N-Nitrosodi-n-butylamine | 924-16-3 | Nondetect | 2400 |
| N-Nitrosodiethylamine | 55-18-5 | Nondetect | 2400 |
| N-Nitrosodiphenylamine, [Diphenylnitrosamine] | 86-30-6 | Nondetect | 2400 |
| N-Nitroso-N-methylethylamine | 10595-95-6 | Nondetect | 2400 |
| N-Nitrosomorpholine | 59-89-2 | Nondetect | 2400 |
| N-Nitrosopiperidine | 100-75-4 | Nondetect | 2400 |
| N-Nitrosopyrrolidine | 930-55-2 | Nondetect | 2400 |
| 2-Nitropropane | 79-46-9 | Nondetect | 2400 |
| Parathion | 56-38-2 | Nondetect | 2400 |
| Phenacetin | 62-44-2 | Nondetect | 2400 |
| 1,4-Phenylenediamine, [p-Phenylenediamine] | 106-50-3 | Nondetect | 2400 |
| N-Phenylthiourea | 103-85-5 | Nondetect | 57 |
| 2-Picoline [alpha-Picoline] | 109-06-8 | Nondetect | 2400 |
| Propylthioracil [6-Propyl-2-thiouracil] | 51-52-5 | Nondetect | 100 |
| Pyridine | 110-86-1 | Nondetect | 2400 |
| Strychnine | 57-24-9 | Nondetect | 100 |
| Thioacetamide | 62-55-5 | Nondetect | 57 |
| Thiofanox | 39196-18-4 | Nondetect | 100 |

| Table 7: Detection and Detection Limit Values for Comparable Fuel Specification | | | |
|---|---|---|---|
| **Chemical Name** | **CAS Number** | **Concentration Limit (mg/kg at 10,000 Btu/lb)** | **Minimum Required Detection Limit (mg/kg)** |
| Thiourea | 62-56-6 | Nondetect | 57 |
| Toluene-2,4-diamine [2,4-Diaminotoluene] | 95-80-7 | Nondetect | 57 |
| Toluene-2,6-diamine [2,6-Diaminotoluene] | 823-40-5 | Nondetect | 57 |
| o-Toluidine | 95-53-4 | Nondetect | 2400 |
| p-Toluidine | 106-49-0 | Nondetect | 100 |
| 1,3,5-Trinitrobenzene, [sym-Trinitrobenzene] | 99-35-4 | Nondetect | 2400 |
| **Halogenated Organics** | | | |
| Allyl chloride | 107-05-1 | Nondetect | 39 |
| Aramite | 140-57-8 | Nondetect | 2400 |
| Benzal chloride [Dichloromethyl benzene] | 98-87-3 | Nondetect | 100 |
| Benzyl chloride | 100-44-77 | Nondetect | 100 |
| Bis(2-chloroethyl)ether [Dichloroethyl ether] | 111-44-4 | Nondetect | 2400 |
| Bromoform [Tribromomethane] | 75-25-2 | Nondetect | 39 |
| Bromomethane [Methyl bromide] | 74-83-9 | Nondetect | 39 |
| 4-Bromophenyl phenyl ether [p-Bromo diphenyl ether] | 101-55-3 | Nondetect | 2400 |
| Carbon tetrachloride | 56-23-5 | Nondetect | 39 |
| Chlordane | 57-74-9 | Nondetect | 14 |
| p-Chloroaniline | 106-47-8 | Nondetect | 2400 |
| Chlorobenzene | 108-90-7 | Nondetect | 39 |
| Chlorobenzilate | 510-15-6 | Nondetect | 2400 |
| p-Chloro-m-cresol | 59-50-7 | Nondetect | 2400 |
| 2-Chloroethyl vinyl ether | 110-75-8 | Nondetect | 39 |
| Chloroform | 67-66-3 | Nondetect | 39 |
| Chloromethane [Methyl chloride] | 74-87-3 | Nondetect | 39 |
| 2-Chloronaphthalene [beta-Chloronaphthalene] | 91-58-7 | Nondetect | 2400 |
| 2-Chlorophenol [o-Chlorophenol] | 95-57-8 | Nondetect | 2400 |
| Chloroprene [2-Chloro-1,3-butadiene] | 1126-99-8 | Nondetect | 39 |
| 2,4-D [2,4-Dichlorophenoxyacetic acid] | 94-75-7 | Nondetect | 7.0 |
| Diallate | 2303-16-4 | Nondetect | 3400 |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | Nondetect | 39 |
| 1,2-Dichlorobenzene [o-Dichlorobenzene] | 95-50-1 | Nondetect | 2400 |
| 1,3-Dichlorobenzene [m-Dichlorobenzene] | 541-73-1 | Nondetect | 2400 |
| 1,4-Dichlorobenzene [p-Dichlorobenzene] | 106-46-7 | Nondetect | 2400 |
| 3,3'-Dichlorobenzidine | 91-94-1 | Nondetect | 2400 |
| Dichlorodifluoromethane [CFC-12] | 75-71-8 | Nondetect | 39 |
| 1,2-Dichloroethane [Ethylene dichloride] | 107-06-2 | Nondetect | 39 |
| 1,1-Dichloroethylene [Vinylidene chloride] | 75-35-4 | Nondetect | 39 |
| Dichloromethoxy ethane [Bis(2-chloroethoxy)methane] | 111-91-1 | Nondetect | 2400 |
| 2,4-Dichlorophenol | 120-83-2 | Nondetect | 2400 |
| 2,6-Dichlorophenol | 87-65-0 | Nondetect | 2400 |
| 1,2-Dichloropropane [Propylene dichloride] | 78-87-5 | Nondetect | 39 |
| cis-1,3-Dichloropropylene | 10061-01-5 | Nondetect | 39 |
| trans-1,3-Dichloropropylene | 10061-02-6 | Nondetect | 39 |
| 1,3-Dichloro-2-propanol | 96-23-1 | Nondetect | 30 |
| Endosulfan I | 959-98-8 | Nondetect | 1.4 |
| Endosulfan II | 33213-65-9 | Nondetect | 1.4 |
| Endrin | 72-20-8 | Nondetect | 1.4 |
| Endrin aldehyde | 7421-93-4 | Nondetect | 1.4 |
| Endrin Ketone | 53494-70-5 | Nondetect | 1.4 |
| Epichlorohydrin [1-Chloro-2,3-epoxy propane] | 106-89-8 | Nondetect | 30 |
| Ethylidene dichloride [1,1-Dichloroethane] | 75-34-3 | Nondetect | 39 |
| 2-Fluoroacetamide | 640-19-7 | Nondetect | 100 |
| Heptachlor | 76-44-8 | Nondetect | 1.4 |
| Heptachlor epoxide | 1024-57-3 | Nondetect | 2.8 |
| Hexachlorobenzene | 118-74-1 | Nondetect | 2400 |
| Hexachloro-1,3-butadiene [Hexachlorobutadiene] | 87-68-3 | Nondetect | 2400 |
| Hexachlorocyclopentadiene | 77-47-4 | Nondetect | 2400 |
| Hexachloroethane | 67-72-1 | Nondetect | 2400 |
| Hexachlorophene | 70-30-4 | Nondetect | 59000 |
| Hexachloropropene [Hexachloropropylene] | 1888-71-7 | Nondetect | 2400 |
| Isodrin | 465-73-6 | Nondetect | 2400 |
| Kepone [Chlordecone] | 143-50-0 | Nondetect | 4700 |
| Lindane [gamma-Hexachlorocyclohexane] [gamma-BHC] | 58-89-9 | Nondetect | 1.4 |
| Methylene chloride [Dichloromethane] | 75-09-2 | Nondetect | 39 |
| 4,4'-methylene-bis(2-chloroaniline) | 101-14-4 | Nondetect | 100 |
| Methyl iodide [Iodomethane] | 74-88-4 | Nondetect | 39 |

| Table 7: Detection and Detection Limit Values for Comparable Fuel Specification | | | |
|---|---|---|---|
| **Chemical Name** | **CAS Number** | **Concentration Limit (mg/kg at 10,000 Btu/lb)** | **Minimum Required Detection Limit (mg/kg)** |
| Pentachlorobenzene | 608-93-5 | Nondetect | 2400 |
| Pentachloroethane | 76-01-7 | Nondetect | 39 |
| Pentachloronitrobenzene [PCNB] [Quintobenzene] [Quintozene] | 82-68-8 | Nondetect | 2400 |
| Pentachlorophenol | 87-86-5 | Nondetect | 2400 |
| Pronamide | 23950-58-5 | Nondetect | 2400 |
| Silvex [2,4,5-Trichlorophenoxypropionic acid] | 93-72-1 | Nondetect | 7.0 |
| 2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD] | 1746-01-6 | Nondetect | 30 |
| 1,2,4,5-Tetrachlorobenzene | 95-94-3 | Nondetect | 2400 |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | Nondetect | 39 |
| Tetrachloroethylene [Perchloroethylene] | 127-18-4 | Nondetect | 39 |
| 2,3,4,6-Tetrachlorophenol | 58-90-2 | Nondetect | 2400 |
| 1,2,4-Trichlorobenzene | 120-82-1 | Nondetect | 2400 |
| 1,1,1-Trichloroethane [Methyl chloroform] | 71-55-6 | Nondetect | 39 |
| 1,1,2-Trichloroethane [Vinyl trichloride] | 79-00-5 | Nondetect | 39 |
| Trichloroethylene | 79-01-6 | Nondetect | 39 |
| Trichlorofluoromethane [Trichlormonofluoromethane] | 75-69-4 | Nondetect | 39 |
| 2,4,5-Trichlorophenol | 95-95-4 | Nondetect | 2400 |
| 2,4,6-Trichlorophenol | 88-06-02 | Nondetect | 2400 |
| 1,2,3-Trichloropropane | 96-18-4 | Nondetect | 39 |
| Vinyl Chloride | 75-01-4 | Nondetect | 39 |
| Notes:<br>NA – Not Applicable | | | |

D. Implementation. Wastes that meet the comparable or syngas fuel specifications provided by Subsection B or C of this Section are excluded from the definition of solid waste provided that the conditions under this Section are met. For purposes of this Section, such materials are called excluded fuel; the person claiming and qualifying for the exclusion is called the excluded fuel generator; and the person burning the excluded fuel is called the excluded fuel burner. The person who generates the excluded fuel must claim the exclusion by complying with the conditions of this Section and keeping records necessary to document compliance with those conditions.

1. Notices

a. Notices to State RCRA and CAA Authorized States or Regional RCRA and CAA Administrative Authority in Unauthorized States

i. The generator must submit a one-time notice, except as provided by Clause D.1.a.v of this Section, to the regional or state RCRA and CAA administrative authority in whose jurisdiction the exclusion is being claimed and where the excluded fuel will be burned, certifying compliance with the conditions of the exclusion and providing the following documentation:

(a). the name, address, and EPA ID number of the person/facility claiming the exclusion;

(b). the applicable EPA hazardous waste codes that would otherwise apply to the excluded fuel;

(c). the name and address of the units meeting the requirements of Paragraph D.2 and Subsection E of this Section that will burn the excluded fuel;

(d). an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by Clause D.1.a.iii of this Section; and

(e). the following statement signed and submitted by the person claiming the exclusion or his authorized representative:

"Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of LAC 33:V.4909 have been met for all waste identified in this notification. Copies of the records and information required at LAC 33:V.4909.D.10 are available at the generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ii. If there is a substantive change in the information provided in the notice required under Paragraph D.1 of this Section, the generator must submit a revised notification.

iii. Excluded fuel generators must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed only in notices submitted after December 19, 2008, for newly excluded fuel or for revised notices as required by Clause D.1.a.ii of this Section.

b. Public Notice. Prior to burning an excluded fuel, the burner must publish in a major newspaper of general

circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Fuel Excluded under the Resource Conservation and Recovery Act" containing the following information:

i. the name, address, and EPA ID number of the generating facility(ies);

ii. the name and address of the burner and the identification of the unit(s) that will burn the excluded fuel;

iii. a brief, general description of the manufacturing, treatment, or other process generating the excluded fuel;

iv. an estimate of the average and maximum monthly and annual quantity of the excluded fuel to be burned; and

v. …

2. Burning. The exclusion applies only if the fuel is burned in the following units that also shall be subject to federal/state/local air emission requirements, including all applicable CAA MACT requirements:

a. – d. …

3. Blending to Meet the Specifications. Hazardous waste shall not be blended to meet the comparable fuel specification under Subsection B of this Section, except as provided by Subparagraph D.3.a of this Section.

a. Blending to Meet the Viscosity Specification. A hazardous waste blended to meet the viscosity specification for comparable fuel shall:

i. as generated and prior to any blending, manipulation, or processing, meet the constituent and heating value specifications of Subparagraph B.1.a and Paragraph B.2 of this Section;

ii. be blended at a facility that is subject to the applicable requirements of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, 43, and LAC 33:V.1109.E; and

iii. not violate the dilution prohibition of Paragraph D.6 of this Section.

b. Residuals resulting from the treatment of a hazardous waste listed in LAC 33:V.4901 to generate a comparable fuel remain a hazardous waste.

4. – 5.a.i. …

ii. is performed at a facility that is subject to the applicable requirements of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, 43, and LAC 33:V.1109.E, or is an exempt recycling unit in accordance with LAC 33:V.4105.C; and

a.iii. – b. …

6. Dilution Prohibition for Comparable and Syngas Fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the specifications of Subparagraph B.1.a, Paragraph B.2, or Subsection C of this Section.

7. Fuel Analysis Plan for Generators. The generator of an excluded fuel shall develop and follow a written fuel analysis plan that describes the procedures for sampling and analysis of the materials to be excluded. The plan shall be followed and retained at the site of the generator claiming the exclusion.

a. …

i. the parameters for which each excluded fuel will be analyzed and the rationale for the selection of those parameters;

ii. …

iii. the sampling method which will be used to obtain a representative sample of the excluded fuel to be analyzed;

iv. the frequency with which the initial analysis of the excluded fuel will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

v. if process knowledge is used in the determination, any information prepared by the generator in making such determination

b. For each analysis, the generator shall document the following:

i. the dates and times samples were obtained, and the dates the samples were analyzed;

ii. – viii. …

c. Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of an excluded syngas fuel, a fuel analysis plan containing the elements of Subparagraph D.7.a of this Section to the appropriate regulatory authority. The approval of fuel analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

8. Excluded Fuel Sampling and Analysis

a. General. For wastes for which an exclusion is claimed under the specifications provided by Subsections B and C of this Section, the generator of the waste must test for all the constituents on LAC 33:V.3105, Table 1, except those that the generator determines, based on testing or knowledge, should not be present in the fuel. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents with a specification in Table 7 of this Section should not be present:

i. a constituent that triggered the toxicity characteristic for the constituents that were the basis of the listing of the hazardous secondary material as a hazardous

waste, or constituents for which there is a treatment standard for the waste code in LAC 33:V.2223;

ii. – iv. …

[NOTE: Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the excluded fuel above the exclusion specifications.]

b. Use of Process Knowledge. For each waste for which the comparable fuel or syngas exclusion is claimed where the generator of the excluded fuel is not the original generator of the hazardous waste, the generator of the excluded fuel may not use process knowledge in accordance with Subparagraph D.8.a of this Section and must test to determine that all of the constituent specifications of Subsections B and C of this Section, as applicable, have been met.

c. The excluded fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the excluded fuel. For the fuel to be eligible for exclusion, a generator must demonstrate that:

i. the 95 percent upper confidence limit of the mean concentration for each constituent of concern is not above the specification level; and

ii. the analysis could have detected the presence of the constituent at or below the specification level.

d. – e. …

f. The generator must conduct sampling and analysis in accordance with the fuel analysis plan developed under Paragraph D.7 of this Section.

g. Viscosity Condition for Comparable Fuel. Excluded comparable fuel that has not been blended to meet the kinematic viscosity specifications shall be analyzed as generated.

h. If hazardous waste is blended to meet the kinematic viscosity specifications for comparable fuel, the generator shall:

i. analyze the hazardous waste as generated to ensure that it meets the constituent and heating value specifications of Subsection B of this Section; and

ii. …

i. Excluded fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties in a manner that may affect conformance with the specifications.

9. Speculative Accumulation. Excluded fuel must not be accumulated speculatively, as defined in LAC 33:V.109.

10. Operating Records. The generator must maintain an operating record on-site containing the following information:

a. – a.i. …

ii. for each excluded fuel, the EPA hazardous waste codes that would be applicable if the material were discarded; and

iii. …

b. a brief description of the process that generated the excluded fuel, and if the comparable fuel generator is not the generator of the original hazardous waste, provide a brief description of the process that generated the hazardous waste;

c. the monthly and annual quantities of each fuel claimed to be excluded;

d. documentation for any claim that a constituent is not present in the excluded fuel as required under Subparagraph D.8.a of this Section;

e. the results of all analyses and all detection limits achieved as required under Paragraph D.7 of this Section;

f. if the comparable fuel was generated through treatment or blending, documentation of compliance with the applicable provisions of Paragraphs D.3 and 4 of this Section;

g. if the excluded fuel is to be shipped off-site, a certification from the burner as required under Paragraph D.12 of this Section;

h. the fuel analysis plan and documentation of all sampling and analysis results as required by Paragraph D.7 of this Section that includes the following:

i. – viii. …

i. if the generator ships excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:

i. the name and address of the facility receiving the excluded fuel for burning;

ii. the quantity of excluded fuel shipped and delivered;

iii. …

iv. a cross-reference to the record of excluded fuel analysis or other information used to make the determination that the excluded fuel meets the specifications as required under Paragraph D.7 of this Section; and

v. …

11. Records Retention. Records must be maintained for a period of three years. A generator must maintain a current fuel analysis plan during that three-year period.

12. Burner Certification to the Generator. Prior to submitting a notification to the state and regional administrative authority, a generator of excluded fuel who intends to ship the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner:

a. certifying that the excluded fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under Paragraph D.2 of this Section;

b. identifying the name and address of the facility that will burn the excluded fuel; and

c. certifying that the state in which the burner is located is authorized to exclude wastes as excluded fuel under the provisions of this Section.

13. Ineligible Waste Codes. Wastes that are listed as hazardous waste because of presence of dioxins or furans, as set out in LAC 33:V.4901.G, Table 6, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

14. Regulatory Status of Boiler Residues. Burning excluded fuel that was otherwise a hazardous waste listed under LAC 33:V.4901.B-D does not subject boiler residues, including bottom ash and emission control residues, to regulation as derived-from hazardous wastes.

15. Residues in Containers and Tank Systems Upon Cessation of Operations

a. Liquid and accumulated solid residues that remain in a container or tank system for more than 90 days after the container or tank system ceases to be operated for storage or transport of excluded fuel product are subject to LAC 33:V.Chapters 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

b. Liquid and accumulated solid residues that are removed from a container or tank system after the container or tank system ceases to be operated for storage or transport of excluded fuel product are solid wastes subject to regulation as hazardous waste if the waste exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2 or if the fuel were otherwise a hazardous waste listed under LAC 33:V.4901.B-E when the exclusion was claimed.

c. Liquid and accumulated solid residues that are removed from a container or tank system and which do not meet the specifications for exclusion under Subsection B or C of this Section are solid wastes subject to regulation as hazardous waste if:

i. the waste exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2; or

ii. the fuel were otherwise a hazardous waste listed under LAC 33:V.4901.B-E. The hazardous waste code for the listed waste applies to these liquid and accumulated solid residues.

16. Waiver of RCRA Closure Requirements. Interim status and permitted storage and combustion units, and generator storage units exempt from the permit requirements under LAC 33:V.1109.E, are not subject to the closure requirements of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43; provided that the storage and combustion unit has been used to manage only hazardous waste that is subsequently excluded under the conditions of this Section, and that afterward will be used only to manage fuel excluded under this Section.

17. Spills and Leaks

a. Excluded fuel that is spilled or leaked and that therefore no longer meets the conditions of the exclusion is discarded and shall be managed as a hazardous waste if it exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2 or if the fuel were otherwise a hazardous waste listed in LAC 33:V.4901.B-E.

b. For excluded fuel that would have otherwise been a hazardous waste listed in LAC 33:V.4901.B-E and which is spilled or leaked, the hazardous waste code for the listed waste applies to the spilled or leaked material.

18. Nothing in this Section preempts, overrides, or otherwise negates the provisions in CERCLA Section 103, which establish reporting obligations for releases of hazardous substances, or the U.S. Department of Transportation requirements for hazardous materials in 49 CFR parts 171-180.

E. Failure to Comply with the Conditions of the Exclusion. An excluded fuel loses its exclusion status if any person managing the fuel fails to comply with the conditions of the exclusion under this Section. The material then must be managed as hazardous waste from the point of generation. In such situations, EPA or an authorized state agency may take enforcement action under RCRA section 3008(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 25:489 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:305 (March 2001), LR 28:1010 (May 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:644 (April 2008), LR 34:1021 (June 2008), LR 38:791 (March 2012).

# Title 33
# ENVIRONMENTAL QUALITY
# Part VII. Solid Waste
# Subpart 1. Solid Waste Regulations
# Chapter 1. General Provisions and Definitions

**§115. Definitions**

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

*Process*—a method or technique, including recycling, recovering, compacting (but not including compacting that occurs solely within a transportation vehicle or at a non-processing transfer station), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique that is designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport, reduced in volume, or amenable for recovery, storage, reshipment, or resale. The definition of *process* does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process, nor does it include separating recyclable material from commercial waste streams at a *non-processing transfer station*.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012).

# Chapter 5. Solid Waste Management System
# Subchapter A. General Standards for Nonpermitted Facilities

**§508. Standards Governing Non-Processing Transfer Stations for Solid Waste**

A. – B. …

C. No processing or disposal shall occur at a non-processing transfer station except for facilities separating non-putrescible recyclable materials from commercial solid waste.

1. Recovered commercial recyclable materials shall not contain putrescible waste and shall be relatively dry. Types of recyclable materials that are acceptable include:

a. recyclable paper;

b. recyclable wood;

c. recyclable glass;

d. mixed rigid plastics (e.g. 5-gallon buckets, crates, and pallets);

e. ferrous and non-ferrous metal materials; and

f. other acceptable commercial recyclable materials approved by the administrative authority.

2. Identification of loads containing acceptable commercial recyclable materials shall occur by:

a. driver identification; and

b. visual inspection of open top loads before they reach the tipping floor.

3. Recyclable materials shall be stored in enclosed containers such as trailers, compaction vehicles and enclosed buildings. Staging of the collected recyclable materials shall not exceed 30 days.

4. Non-processing transfer stations that separate non-putrescible commercial recyclable materials shall submit an annual recycling report to the Office of Environmental Services by August 1 of each year.

D. – M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1034 (June 2007), amended LR 33:2142 (October 2007), LR 34:613 (April 2008), LR 35:925 (May 2009), LR 38:46 (January 2012).